

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 05, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AARON K.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 4:21-cv-05064-RHW

**ORDER ADOPTING REPORT
AND RECOMMENDATION TO
GRANT PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT
AND DENY DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

ECF Nos. 13, 14, 19

Before the Court is the Report and Recommendation issued by Magistrate Judge Alexander C. Ekstrom on May 30, 2023, ECF No. 19, recommending Plaintiff's Motion for Summary Judgment, ECF No. 13, be granted and Defendant's Motion for Summary Judgment, ECF No. 14, be denied. No objections were filed. After reviewing the Report and Recommendation, the Court finds the Magistrate Judge's findings are correct. Therefore, the Court adopts the

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Report and Recommendation in its entirety.

2 Accordingly, **IT IS ORDERED:**

3 1. The Report and Recommendation, **ECF No. 19**, is **ADOPTED** in its
4 entirety.

5 2. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is **GRANTED**.

6 3. Defendant's Motion for Summary Judgment, **ECF No. 14**, is **DENIED**.

7 4. The above-captioned case be **REVERSED** and **REMANDED** to the
8 Commissioner of Social Security for further administrative proceeding pursuant to
9 sentence four of 42 U.S.C. § 405(g).

10 5. Upon proper presentation, this Court consider Plaintiff's application for
11 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

12 The District Court Executive is directed to enter this Order, **enter**
13 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

14 DATED July 5, 2023.

15 s/Robert H. Whaley
16 ROBERT H. WHALEY
17 Senior United States District Judge
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